

REMARKS

Claims 1-14 are currently pending in the present application.

Claims 1-5 and 11-14 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 4,511,176 to Watanabe, *et al.* ("Watanabe") in view of German patent document DE 198 41 331 ("Barutzky").

Claims 6-9 and 14 stand rejected under § 103(a) as unpatentable over these references, in further view of U.S. Patent No. 4,719,998 to Hiramatsu, *et al.* ("Hiramatsu").

Finally, claim 10 stands rejected under 35 U.S.C. § 112, second paragraph as indefinite for failure to recite steps or procedures in this method claim.

The Applicant has carefully considered the March 26, 2004 Office Action, and respectfully submits the foregoing amendments and following remarks in response thereto.

Rejection under § 112, Second Paragraph: The Applicant has rewritten method claim 10 into a form consistent with U.S. practice, reciting method steps therein. The Applicant notes that the re-writing of claim 10 is solely for the purpose of conforming the claim form to U.S. practice, without any alteration of claim scope intended. Claim 11 has been canceled, without prejudice to the subject matter contained therein. In view of these amendments, the Applicant respectfully requests the pending § 112, second paragraph, rejection be withdrawn.

Rejections Under § 103(a): The Applicant respectfully traverses the pending rejections on the grounds that the cited references do not disclose or suggest all the features of the present invention recited in amended independent

claims 1 and 12 and their respective dependent claims. The Applicant has amended independent claims 1 and 12, both to more clearly recite the features of the present invention, and to incorporate the limitations of dependent claims 6 and 14 into their respective independent claims. Conforming amendments canceling claims 6-9 and 14 also have been made, without prejudice to the subject matter contained therein.

As amended, independent claim 1 recites a passenger vehicle with a longitudinally mounted engine in the front end of the vehicle, transmission longitudinally mounted at a lateral side of the longitudinally mounted engine and to a side of the longitudinal center of the vehicle, a longitudinal fuel tank mounted between the vehicle seats, and a longitudinal drive shaft leading from the transmission to rear the rear of the vehicle alongside the fuel tank.

In contrast to the present invention, the Watanabe reference teaches a longitudinally-mounted fuel tank which completely fills and occupies a central tunnel of a *rear-engine, rear-wheel drive* vehicle. *See, e.g.*, Watanabe Figs. 1, 2, 5 (tank filling essentially entire cross-section of center tunnel); 1:15-54 (description entirely drawn to rear-engine, rear-wheel drive vehicles: in particular, at 1:22-26: “To solve the above problems ... in a rear engine—rear wheel drive type motor vehicle ... in which a propeller shaft does not longitudinally traverse a floor panel of the vehicle therebeneath ...”). Accordingly, as noted in the March 26, 2004 Office Action, this reference fails to show a front mounted engine with a drive shaft leading to rear wheels alongside the fuel tank. The Barutzky reference is cited as addressing the deficiencies of Watanabe by showing a drive

shaft running alongside a fuel tank.

The Applicant notes that the Barutzky reference illustrates a central, high-mounted fuel tank with a drive shaft and symmetrically disposed exhaust pipes *laying directly beneath* the fuel tank. Barutzky Figs. 2-5. Barutzky thus teaches a conventional engine and transmission driving the central drive shaft; *i.e.*, there is nothing in the Barutzky figures which suggests the present invention's offset drivetrain configuration, or any other arrangement of these components other than a conventional vehicle-centerline-mounted arrangement.

Accordingly, there is no teaching or suggestion to combine Watanabe and Barutzky to obtain the invention recited in the amended claims, as no combination of Watanabe's rear-engine, rear-drive vehicle and Barutzky's conventional engine and transmission arrangements would result in the present invention's vehicle arrangements, wherein a drive shaft "runs longitudinally alongside the fuel tank and to a side of a longitudinal vertical center plane of the vehicle" from a longitudinally mounted engine with a longitudinally mounted transmission *offset to one side of the engine*.¹

For the foregoing reasons, the Applicant respectfully submits that because the cited references, either alone or in combination, fail to teach or suggestion all the features of the present invention recited in amended independent claims 1 and 12 and their respective dependent claims 2-5, 10 and 13, these claims are

¹ The Applicant notes that while the rejection citing Watanabe, Barutzky and Hiramatsu has been rendered moot by the cancellation of claims 6-9 and 14, the Hiramatsu reference also fails to cure the deficiencies of the other references, as it teaches only a transverse-mounted engine with an attached transverse-mounted transaxle transmission.

patentable under § 103(a). Reconsideration and withdrawal of the pending § 103(a) rejections is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant respectfully submits that claims 1-5, 10 and 12-13 are patentable over the cited references and in condition for allowance. Early and favorable consideration and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.52298US).

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